



**Department of Corrections**  
**ADMINISTRATIVE BULLETIN**

**Subject:** CREDIT RESTORATION FOR  
AD SEG/SHU INMATES AND  
MISAPPLICATION OF  
SECTION 3327 (C)

**Number:**

**91/35**

**Date Issued:**

**November 19, 1991**

**Cancelled Effective:**

The purpose of this Administrative Bulletin is to clarify two issues regarding inmate credit restoration that are resulting in numerous third level appeals overturning institutional classification actions.

The first issue involves inmates in Administrative Segregation or Security Housing Unit in Work Group D-1/D-2. Confusion has arisen over whether inmates in these units are eligible for credit restoration. The Department's rules regarding credit restoration are contained in the California Code of Regulations (CCR), Title 15, Sections 3327, 3328, and 3329.

These sections do not tie an inmate's housing status or work group designation to credit restoration eligibility. The regulation are specific in stating if required disciplinary free periods have been served, there are only two reasons outside of the provisions in Section 3329 that credit restoration applications may be denied. These are:

- 3327(a) (1) -- Credit shall not be restored for any disciplinary offense in which a victim died or was permanently disabled.
- 3327 (a) (2) -- 180 days of credit forfeited for commission of a felony listed in Section 3323, (Division A-1) and 90 days of credit forfeited for conspiracy or attempt to commit a Division A-1 offense shall not be restored.

Section 3327(a) (3) states all other credits shall be restored liberally to encourage subsequent good behavior and participation.

The second issue is the misapplication of Section 3327(c) by staff in using an inmate's refusal or failure to perform in a work, training, or educational assignment as a permanent bar to restoration of all credits forfeited prior to the failure to perform.

As indicated, the regulations are clear in the definitions of what credits are non-restorable. There is no provision which states that failure to perform in a work, training, or educational assignment shall act as a permanent bar to restoration of credit.

The intent of Section 3327(c) is to provide a basis for the temporary denial of credit restoration applications conditional on subsequent good behavior and program participation.

Inmates who have refused or failed to perform in a work, training, or educational program following the disciplinary action which led to the credit loss for which restoration application is



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being made shall have their restoration postponed for one additional disciplinary free period consistent with CCR Sections 3328 and 3329.

Please inform all persons concerned of this bulletin which shall remain in effect until incorporated into the appropriate section of the Department Operations Manual. Please direct any inquiries regarding this bulletin to Diana Butler, Chief, Classification Services Unit, at (916) 322-2544 or ATSS 492-2544.

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